

CF. 100)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR,  
CHHATTISGARH

Writ Petition No. 2649 of 2005

PETITIONER:

Ajay Kumar Soni, Proprietor  
of M/s. Viplav Gas Service,  
Raipur, S/o Late Parasram  
Soni, Aged about 50 years,  
R/o Tikrapara, Raipur,  
Chhattisgarh.

P.R. No. 2759/05-  
Presented by Shri. Rohit Mishra  
dated 21/6/05

- Versus -

RESPONDENT:

Hindustan Petroleum  
Corporation Limited,  
Through the Senior  
Regional Manager and  
Constituted Attorney,  
L.P.G. Regional Office,  
L.P.G. Bottling Plant,  
Mandir Hasaud, Raipur,  
Chhattisgarh.



WRIT PETITION UNDER ARTICLE 226/227 OF THE  
CONSTITUTION OF INDIA FOR ISSUANCE OF  
APPROPRIATE WRIT/WRITS, DIRECTIONS ETC., IN THE  
NATURE OF MANDAMUS, CERTIORARI AND/OR ANY  
OTHER SUITABLE WRIT OF LIKE NATURE

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P. 2649 / ..... सन् 2005

## आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक<br>तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अन्तिम आदेश |
|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
|                                    | <p><b>19-9-2005</b></p> <p>Mr. Prashant Mishra, Senior Advocate with Mr. Vivek Ranjan Tiwari, Advocate for the petitioner.</p> <p>Mr. Bhishma Kinger, Advocate for the respondent.</p> <p>Mr. Pankaj Agrawal, Advocate for intervener Pradeep Kumar Soni.</p> <p>Mr. Kishore Bhaduri, Advocate for intervener Vijay Kumar Soni.</p> <p>Heard.</p> <p>The petitioner has filed this writ petition under Article 226/227 of the Constitution of India, seeking relief that the respondent Corporation be directed to quash the impugned communication 11<sup>th</sup> June, 2005, whereby it has been informed that since the petitioner has failed to produce NOC from other brothers, he cannot be authorized to continue as dealer of the L.P.G. distributorship business in the name and style of M/s. Viplav Gas Service at Raipur.</p> <p>Brief facts leading to filing of this writ petition are that L.P.G. distributorship was awarded by the respondent Corporation to M/s. Viplav Gas Service at Raipur in the name of Parasram Soni and the said Prasram Soni passed away on 1-4-2002 leaving behind three sons and one daughter viz., the petitioner herein namely Ajay Kumar Soni, Vijay Kumar Soni, Pradeep Kumar Soni and Smt. Rama Bai.</p> <p>The case of the petitioner is that he was the partner with his father in the said L.P.G. distributorship business and after the death of</p> |                                                           |

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## आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक<br>तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश — 2 —                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अन्तिम आदेश |
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|                                    | <p>his father Parasram Soni, he is entitled to continue the said L.P.G. distributorship business, whereas the objection of his brother Vijay Kumar Soni is that on account of the Will executed by Late Parasram Soni he is entitled for 50% of the L.P.G. distributorship. Pradeep Kumar Soni, the third son of Late Parasram Soni's objection is that he is entitled for 1/3<sup>rd</sup> share.</p> <p>During the course of hearing, learned Senior Advocate Mr. Prashant Mishra, very fairly submitted that a probate proceeding is already pending in the Court of 3<sup>rd</sup> Additional District Judge, Raipur in which all the three brothers and sister are party. In the circumstances, the 3<sup>rd</sup> Additional District Judge, Raipur be directed to decide the probate proceeding expeditiously and whatever the result of the probate proceeding, shall be implemented by the heirs of Late Parasram Soni.</p> <p>To this proposal Mr. Kishore Bhaduri &amp; Mr. Pankaj Agrawal, learned counsel for the interveners have no objection.</p> <p>It is true that unless the probate proceedings are finalized and probate is granted the dispute cannot be resolved by way of this writ petition. In the circumstances, the 3<sup>rd</sup> Additional District Judge, Raipur is directed to dispose of the probate proceedings expeditiously and the parties i.e. the legal heirs of Late Parasram Soni shall be bound by the result of the probate proceedings, thereafter, the respondent</p> |                                                           |

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मामला क्रमांक ..... W.P. 2649 / ..... सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक<br>तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश -3-                                                                                                                                                                                                                                                                                                                                                 | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अन्तिम आदेश |
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|                                    | <p>Corporation can consider the claim of these persons, in accordance with law, and the rules &amp; regulations.</p> <p>With the observation and direction aforesaid, the writ petition stands disposed of.</p> <p>In view of this order, I.A. Nos. 5644/2005 &amp; 6140/2005 also stand disposed of.</p> <p>Parties are entitled for certified copy of this order.</p> | <p>Sd/-<br/>L.C. Bhadoo<br/>Judge</p>                     |

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SP/FS/2005 - 20,000

7.9.05